

NEWS RELEASE

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Curry Ready Mix Subsidiary Pleads Guilty to Criminal Pollution Violation

Springfield, IL - A subsidiary of Curry Ready Mix and Builders' Supply, Incorporated, Curry Office Supply, Inc., both of Carlinville, Illinois, has pled guilty to negligence related to the 2003 discharge of boron-contaminated water to streams which flow into the Sangamon River without first obtaining appropriate permits. Sentencing for the corporation is scheduled for May 14, 2007.

Curry Office Supply pled guilty on January 11, 2007, to the charge which was filed in an information on January 4, 2007. In the plea agreement, Curry Office Supply agreed to pay a fine of \$50,000 and a three-year term of probation; however, final sentencing decisions are at the discretion of the court. In addition, Curry Office Supply has agreed to take appropriate measures to ensure its owners, employees and agents cooperate fully with federal law enforcement officials.

Trial is currently scheduled for March 6, 2007 for an agent of Curry Ready Mix, Gerald P. Lippold, of Carlinville. Lippold was charged by a federal grand jury in January 2006 with illegal dumping into protected waters. If convicted, the penalty for violation of the Clean Water Act is up to three years imprisonment and a fine of not less than \$5,000 nor more than \$50,000 per day of the violation. Members of the public are reminded that an indictment is merely an accusation; the defendant is presumed innocent unless proven guilty.

In the plea agreement with Curry Office Supply, the government has agreed to request that charges be dismissed against Curry Ready Mix & Builders Supply, Inc., of 21149 Route 4, Carlinville, Illinois, and two of its subsidiaries, Curry Ice & Coal of Springfield, Inc. and Lippold & Arnett, Inc., both of 3600 N. Dirksen Parkway, Springfield, Illinois. The corporations were charged with Lippold in January 2006 with knowingly discharging water that contained boron into a tributary of the Sangamon River without a National Pollutant Discharge Elimination System (NPDES) permit.

During a court hearing on January 11, 2007, before U.S. District Judge Jeanne E. Scott, Curry Office Supply pled guilty to negligently causing the discharge of boron-contaminated water into tributaries of the Sangamon River from about March or April 2003 until early June 2003. Approximately two million gallons of water had accumulated in an excavation at 3600 North Dirksen Parkway in Springfield. The water became contaminated with boron that leached from approximately 35,000 tons of coal combustion byproducts (fly ash and bottom ash waste) from a power plant that had been deposited into the excavation.

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According to the plea agreement, an agent of the company, on at least 20 separate days, caused pumps and hoses to be used at the Curry facility to pump the boron-contaminated water out of the excavation so that it flowed into two streams which flowed downstream to the Sangamon River. The boron-contaminated water could not be discharged into a protected water without first obtaining a National Pollutant Discharge Elimination System permit

Assistant U.S. Attorney Patrick J. Chesley and the investigative agents of the U.S. Environmental Protection Agency, the Illinois Environmental Protection Agency, and the Illinois State Police are handling prosecution of the case.

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